

REMARKS

Claims 1-62 are pending in the application. Claims 50 and 62 have been amended. Support for these amendments may be found throughout the specification for example, on p.19 ll. 16-18, and the claims as originally filed.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Rejections under 35 U.S.C. § 102

Claims 50-53, 57, 58 and 62 stand rejected under 35 U.S.C. 102 as being anticipated by Charboneau, U.S. Patent 5,551,484. Independent claims 50 and 62 have been amended to recite “one or more fibers helically or circumferentially wound relative to the longitudinal axis.” Charboneau does not disclose a tube that includes fibers helically or circumferentially wound. Further, Charboneau discloses only a liner for a pipe, not a pipe or tube itself. Therefore, Applicants respectfully request withdrawal of these rejections.

Rejections under 35 U.S.C. § 103

Claims 50-62 stand rejected under 35 U.S.C. 103 as being unpatentable over Charboneau in view of Savic, U.S. Patent No. 5,416,724. As discussed above, independent claims 50 and 62 have been amended. Applicants assert that neither Charboneau nor Savic, taken alone or together, teach each and every limitation of amended claims 50 and 62, and dependent claims thereon. Therefore, Applicants respectfully request withdrawal of these rejections.

Provisional Rejection of Double Patenting

Claims 50-62 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 65-87 of co-pending U.S.S.N 10/134,971 in view of Charboneau. As the Examiner knows, obviousness type double patenting applies when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent. MPEP 804 II B. 1. Claim 65 of U.S.S.N. 10/134,971 is currently directed to a tube that includes a liner that has **both** an inner layer and a permeation barrier. There is no suggestion in the instant claims, nor any teaching or suggestion in the Charboneau patent of such a liner that includes a permeation barrier. Therefore, Applicants respectfully request withdrawal of these rejections.

CONCLUSION

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the pending rejections.

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Respectfully submitted,

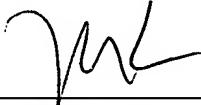
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